

**REMARKS**

This amendment is in response to an Interview with the Examiner on July 8, 2005 (as evidenced by Paper No. 20050708) and in response to a Final Office action (Paper No. 20050422) mailed May 4, 2005. Upon entry of this amendment, claims 1-13 and 15-18 will be pending. Applicant has canceled claim 14 without prejudice or disclaimer as to its subject matter and amended claims 1, 13 and 18 by this amendment.

In the Final Office action, the Examiner rejected claims 13, 14, 17 and 18 under 35 U.S.C. 112, first paragraph for not having support in the originally filed specification. Applicant will now address each of the 35 U.S.C. 112, first paragraph rejections separately.

Regarding the rejection of claim 13, the Examiner states that there is no support in the originally filed specification for “an indicator being stored in the first area that indicates whether or not an initial date has been stored in the second area”. Applicant disagrees.

Applicant submits that originally filed FIG. 3 and the accompanying discussion thereof on page 4 of the originally filed specification shows and discusses this limitation. As illustrated in FIG. 3, the “presence or absence of initial use date” is the indicator being stored in the first area that indicates whether or not the initial date has been stored in the second area, i.e., the “year/month/date” in FIG. 3.

Regarding the rejection of claim 17, Applicant claims, “the first area is updated when the initial date is stored in the second area in the printer”. The Examiner states in the Final Office action that the “update” is not present in the originally filed specification. Applicant disagrees. Applicant submits that although the originally filed specification does not use the exact word “update”, step 408 in FIG. 6 of Applicant’s originally filed specification teaches this limitation along with lines 3 through 5 on Page 7 of Applicant’s originally filed specification. Applicant submits that when the information indicating that the initial use date was stored is stored or recorded, it changes this area of NVRAM, thus updating the contents of this first area. Applicant submits that storing something in memory overwrites what was previously stored in memory thus updating memory. Merely introducing a new word into the claims should not be new matter especially when it accurately describes the invention as originally filed.

Applicant also addressed this issue at the July 8, 2005 Interview with the Examiner. Applicant explained that updating the memory is merely setting the flag in the first storage area to now indicate that the date has been stored in the second storage area.

Regarding claims 14 and 18, Applicant has canceled claim 14 and has removed the controversial word “only” from claim 18 by this amendment making their 35 U.S.C. 112, first paragraph rejections moot.

### **Prior Art Rejections**

In the Final Office action, the Examiner rejected claims 1 and 4-6 under 35 U.S.C. 103 (a) as being unpatentable over USP 5,283,661 to Klees in view of newly cited JP 09321275 to Yokono. The Examiner also rejected claims 2, 3 and 7-9 under 35 U.S.C. 103 (a) as being unpatentable over Klees '661 in view of USP 5,363,204 to Millman. The Examiner also rejected claims 10-16 under 35 U.S.C. 103 (a) as being unpatentable over Klees '661 and Millman '204 in view of Yokono '275.

#### **At the Interview on July 8, 2005, Applicant explained to the Examiner the following:**

1. In original claim 2, Applicant claims a storage in a printer that includes "a first area for storing information indicating whether the initial use data was stored and a second area for recording the initial use date". Applicant explained that this limitation was never addressed in the first Office action (Paper No. 4). Applicant complained about this in the November 10 amendment. In the Final Office action (Paper No. 20050422), this limitation was again never addressed, especially the portion regarding "for storing the information indicating whether the initial use data was stored". This patent application is under Final but Applicant submits that he never got a single full and complete examination yet. Not only that, Applicant explained to the Examiner why this feature is not present in any of the applied prior art references, taken either singly or in combination.

In particular, at the Interview on July 8, 2005, Applicant explained to the Examiner that the

applied prior art is entirely absent of the indicator in the first storage area that indicates whether the date is stored in the second storage area. Applicant explained why the applied prior art is absent of such a feature.

At the Interview on July 8, 2005 and on the Interview summary form, the Examiner indicated that Applicant's arguments regarding the above were persuasive.

2. In original claim 3, Applicant claims an internal counter in a computer and that the counted year/month/date of this internal counter is sent to the printer for storage in the printer memory. In Paper No. 4, the Examiner indicated that this limitation was taught by column 5 of Millman without any further guidance. In the November 10, 2004 amendment, Applicant submitted that column 5 of Millman does not teach this limitation. In the Final Office action, the Examiner merely repeated the rejection and stated that FIG. 5 of Millman taught this limitation. Again, Applicant cannot find any comparable or analogous feature in Millman that can possibly read on Applicant's limitation of the year/month/date of an internal counter of a host being sent to the printer for storage in memory of the printer. Even worse yet, Applicant cannot find, in the Final Office action, any discussion of a "counter", "internal counter", "internal date" and sending this information to a printer. Therefore Applicant submits that the Final Office action was incomplete for failing to address this limitation and for failing to respond to Applicant's arguments regarding this limitation.

At the Interview on July 8, 2005, Applicant explained to the Examiner that the notion of sending an internal counter from the host to the printer for storage is not present in the applied prior art references. Although the prior art references may teach storage of a user entered date, Applicant explained that the prior art is entirely absent of the storage of a date when the date is derived from an internal counter, and not derived from user input.

At the Interview on July 8, 2005 and on the Interview summary form kindly supplied by the Examiner to Applicant on 4 August 2005 as Paper No. 20050708, the Examiner indicated that Applicant's arguments regarding the above were persuasive.

3. In claims 2 and 14, Applicant claims that the storage of the initial use date in the printer is done *when the printer drivers are being installed*. At the Interview on July 8, 2005, Applicant explained to the Examiner why this feature is not present in either Millman, Klees or Yokono. Applicant explained that the FAX machines of Millman and Klees and the multifunctional machine of Yakono are stand alone machines where the customer is not required to install drivers before operation. Applicant explained that Applicant's printer is not stand alone machine and requires a host computer to be connected to it to run, and requires that drivers be installed in the host before the printer can function.

At the Interview on July 8, 2005, the Examiner indicated to Applicant that Applicant's

arguments regarding the above were persuasive, however this is not stated on the Interview summary form.

Applicant is amending claim 1 to include the subject matter of former claim 14 by this amendment in order to speed up prosecution.

Because of the incompleteness of the first and the Final Office actions, Applicant requests that the finality of the present Office action be removed.

**Applicant will now respond to the prior art rejections of the Final Office action:**

Regarding Applicant's claims, Applicant's invention pertains to a printer connected to a host computer, where the first use date from the computer is stored in a memory in the printer. Klees and Millman pertain to a stand alone facsimile machine. Yokono pertains to a multifunctional machine with facsimile capabilities connected to a computer. Applicant submits that the multifunctional machine of Yokono and the facsimile machines of Klees and Millman are stand alone machines that do not require a host computer to operate the machine. Applicant's printer is not a stand alone printer and essentially cannot function without the host. For this reason, Applicant submits that the purpose and construction of Klees, Millman and/or Yokono are entirely unrelated to that of Applicant's invention.

In claims 2 and 7, Applicant claims that the method of storing the initial use date is carried out when the printer drivers are being installed. Applicant submits that the facsimile machines of Klees and Millman and the multifunctional machine of Yokono do not require the installation of drivers. Further, neither of these references ever mentions installation of drivers. For this reason, Applicant submits that the applied prior art cannot teach Applicant's claims 2 and 7.

Applicant has previously argued this same point regarding the lack of printer drivers in the applied prior art references in the amendment filed on November 10, 2004 but to no avail. On Page 8 of the final Office action, the Examiner responded by merely saying, "Obviously, prior to print use of the facsimile, the driver must be installed." Applicant disagrees. Applicant submits that ordinarily, when a printer is installed, it needs to be connected to a host computer, and the drivers are loaded into the host computer. In the case of facsimile machines and multifunctional machines that are stand alone, there is no installation of drivers. That is why there is no mention of installation of drivers by the customer in Klees.

Regarding claims 3 and 8, Applicant claims "providing the counted year/month/date as the current year/month/date to the printer by the host" in claim 3 and "having the computer furnish said internal date of said printer if ..." in claim 8. In the Final Office action, the Examiner states that this is taught by column 5 of Millman. Applicant disagrees. Column 5 of Millman discusses user input at key pad 106 for a date. This is not what Applicant is claiming. Applicant is not claiming here user input of a date. Applicant is claiming that the date of the internal counter of

the host is supplied to the printer. Applicant submits that there is no comparable feature for the internal counter of the host being supplied to the printer in the applied prior art.

Applicant has previously made this same argument in the November 10, 2004 amendment but to no avail. Applicant submits that the Final Office action failed to address this previously presented argument as there is no discussion in the Final Office action of the “counter”, “internal counter” “internal date” and sending this to the printer memory from a host. Although the applied prior art may allow a user to enter a date, this is not what is being claimed here. It is not a user entered date but the date of the internal counter of the host computer that is being stored in the printer memory. This is not present in the applied prior art.

It is kindly noted that Yokono does not teach this feature either even though it was not used to reject claims 3 and 8. In Yokono, it is a user entered date and time that is sent from terminal unit 1 to facsimile apparatus 2, not a date and time of some internal counter that is sent.

In the rejection of claims 3 and 8, the Examiner equates key pad 106 of Millman to Applicant’s host computer. Applicant objects. Applicant submits that key pad 106 of Millman is internal to the facsimile machine 100 of Millman and thus cannot read on Applicant’s host computer.

Regarding claims 2, 11 and 13, Applicant claims that the indicator is stored in the first area



of memory and the initial use date is stored in the second area of memory of the printer. In the final Office action, the Examiner equates the location of warranty date of Klees with Applicant's second area and the location of the factory date of Klees with Applicant's first area. Applicant disagrees. Applicant clearly claims that the first area stores "information indicating whether the initial use data was stored". Applicant submits that the factory date cannot read on and is repugnant to "information indicating whether the initial use data was stored". This is because the setting or presence of the factory date in Klees is not an indication of whether the warranty date is currently stored. This is because the factory date is stored in memory in Klees before the storing of the warranty date and moreover, the factory date does not change upon the storing of the warranty date. In Klees, by accessing and by reading the contents of the factory date will not tell whether or not the warranty date has been stored. For this reason, Applicant objects to the factory date of Klees reading on Applicant's "information indicating whether the initial use data was stored".

In Klees, when the customer gets the facsimile machine ( $\text{delta} > 7$  days) the factory date does not change upon entry of the warranty date. Thus, the factory date cannot be an indication of the presence of a warranty date. Even when delta is less than 7 days (when the facsimile machine is turned on at the factory), the factory date does not change when the warranty date is stored.

Once again, Applicant submits that Applicant previously argued that there is no

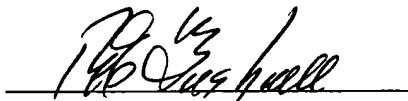
"information indicating whether the initial use data was stored" in the Amendment filed on November 10, 2004 to no avail. Furthermore, Applicant submits that the Examiner never responded to Applicant's assertion that the applied prior art does not teach "information indicating whether the initial use data was stored" in a first area of memory of a printer in the present Final Office action.

Applicant has also amended claim 13 by this amendment to correct for an error.

No fees are incurred by the filing of this amendment.

In view of the above, all claims are submitted to be allowable and this application is believed to be in condition to be passed to issue. Reconsideration of the rejections is requested. Should any questions remain unresolved, the Examiner is requested to telephone Applicant's attorney.

Respectfully submitted,



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